

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – November 4, 2003**

MEMBERS PRESENT

James Murphy
Bruce Bell
Walter Bowditch
Kenneth Charest
Joseph Herlihy
Theodore Webersinn
David Adams

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, A.A.G.
Susan Greenlaw, Board Clerk
Kim Baker-Stetson, Licensing Clerk

Location: Central Conference Room

Start: 9:05 a.m.

Adjourn: 1:50 p.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of October 7, 2003 Meeting

A motion was made by Bruce Bell and seconded by Walter Bowditch to approve the minutes of the October 7, 2003 meeting as written. Bell, Bowditch, Charest, Herlihy, Murphy, and Webersinn voted in the affirmative; Adams abstained. Motion carried.

Action on Tabled Applications/Items

See "Review and Action on Applications and Education."

NEW BUSINESS

Adjudicatory Hearing – Libby Chandler (#REA-177)

The hearing in the matter of Libby Chandler opened at 9:30 a.m. Ms. Chandler was not present nor represented by counsel. Assistant Attorney General Dennis Smith was present on behalf of the State. The Presiding Officer was James Smith. Public deliberations were conducted at the close of the hearing.

A motion was made by Theodore Webersinn and seconded by Terry Bowditch to find Ms. Chandler in violation of §14014(1)(G), §14014(1)(I), §14014(1)(J) and §14028 and to issue the Decision & Order as follows: (1) Ms. Chandler shall pay costs associated with the hearing; (2) Ms. Chandler shall pay a fine in

the amount of \$2,000 (\$500 per violation); and (3) Ms. Chandler's license shall be revoked. Bell, Bowditch, Charest, Murphy, and Webersinn voted in the affirmative; Adams opposed; Herlihy abstained. Motion carried.

Administrator's Report

Nothing to report.

Complaint Officer's Report

#REA-170: Charest recused from participation and left the room. A motion was made by Walter Bowditch and seconded by Theodore Webersinn to table this case until the January 2004 meeting. Unanimous.

#REA-171: Charest recused from participation and left the room. A motion was made by Theodore Webersinn and seconded by Walter Bowditch to close this case and flag the licensee's file for non-renewal. Unanimous.

#REA-172: A motion was made by Theodore Webersinn and seconded by David Adams to table pending further investigation. Unanimous.

#REA-178: A motion was made by Kenneth Charest and seconded by David Adams to dismiss upon finding no violation of Board statute or rules. Unanimous.

#REA-181: A motion was made by Kenneth Charest and seconded by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. §14014(1)(G), §14014(1)(I), §14014(1)(J), as well as USPAP Competency Provision, USPAP Standards Rules 1-1(b), 1-1(c), and 2-1(a) and to offer a Consent Agreement as follows: (1) Licensee shall admit to the violations as stated; (2) Licensee shall receive a warning; (3) Licensee shall pay costs associated with this investigation; (4) Licensee shall successfully complete, within 12 months, a basic 30 hour appraisal course with exam; and (5) Licensee shall pay a fine in the amount of \$1,500, which shall be suspended upon compliance with all other requirements of the Consent Agreement. Unanimous.

Review and Action on Applications and Education

NAME	APPLYING TO:	RECOMMENDATION/ACTION
DUKE SIMONEAU	UPGRADE FROM LICENSED APPRAISER TO SIT FOR CERTIFIED GENERAL EXAM	APPROVED FOR EXAM MOTION: WEBERSINN SECOND: BELL UNANIMOUS
PATTY LUCAS	UPGRADE FROM LICENSED APPRAISER TO SIT FOR CERTIFIED RESIDENTIAL EXAM	COPIES OF APPRAISALS GIVEN TO JAMES MURPHY FOR REVIEW TO REPORT BACK AT DECEMBER 2, 2003 MEETING
SANDRA MCCALLUM	UPGRADE FROM CERTIFIED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM	30 DAY WINDOW CLOSED 10/10/2003: DENIAL LETTER SENT; PENDING 30 DAY REQUEST FOR HEARING

Continuing Education – Percentage of Licensees to be Audited

Tabled to December meeting.

Correspondence

None.

Next Meeting Scheduled for December 2, 2003

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 1:50 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk